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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,901	04/14/2006	Stephan Ahlborn	P29317	4683
7055 7590 11/14/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER CHIESA, RICHARD L	
			ART UNIT 1797	PAPER NUMBER
			NOTIFICATION DATE 11/14/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/575,901	AHLBORN, STEPHAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Richard L. Chiesa	1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 5-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>June 20, 2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The preliminary amendment and substitute specification filed on June 20, 2007 have been entered.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

3. The replacement drawings filed on June 20, 2007 have been accepted by the examiner.

### ***Claim Rejections - 35 USC § 112***

4. Claims 12-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the reasons for this rejection are: (A) Claims 12-21 are confusing because the words "deposition" and "disposition" are used interchangeably throughout these claims. (B) Claim 17 is ambiguous because there is apparently no antecedent basis for the phrase "the chamber" on the second line of claim 17. (C) Claim 17 is vague because the word

“disposition” at the end of the third line of claim 17 should apparently be changed to --a deposition--.

***Claim Rejections - 35 USC § 102/103***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 12, and 17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 3,478,494 to Lustenader et al. Lustenader et al (note Figure 1) show an electrostatic gas separation apparatus and method with a cyclone flow producing element 4, emission electrode 14, deposition electrode 1, and an outlet 12 to receive separated particles (note col. 2, lines 13-20, and col. 3, lines 8-60) as claimed (35 USC 102b). It would appear that Lustenader et al may not explicitly state that the gas stream being treated contains oil particles. However, Lustenader et al do disclose (note col. 1, lines 14-60) that the gas stream may contain a wide variety of both large and small particles.

Consequently, it is inherent or at least would have been readily obvious to one having ordinary skill in the art (35 USC 103a) in view of Lustenader et al's description that Lustenader et al separates oil particles from a gas stream.

8. Claims 6-11, 13-16, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lustenader et al in view of U.S. Patent No. 4,588,423 to Gillingham et al. Lustenader et al, as described above in paragraph 7, disclose an electrostatic gas separation apparatus and method substantially as claimed with the possible exception of a vertical positioning. In any case, Gillingham et al (note Figures 3-13) teach the well-known use of a vertical positioning with gas flow from either the top (Figure 4) or bottom (Figure 3) with a flow redirecting baffle 61 in an electrostatic gas separation apparatus and method for the purpose of ensuring suitability in many diverse applications (note col. 4, lines 1-9). Therefore, it would have been obvious to one having ordinary skill in the art to employ a vertical positioning with a flow redirecting baffle in the Lustenader et al electrostatic gas separation device and process in order to facilitate usage in a wide range of varied applications as taught by Gillingham et al.

9. Claims 5-21 are also rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 5-21 in paragraphs 7 and 8 above, and further in view of European Patent Office Publication No. 685635 to Krausse. The prior art, as described above in paragraphs 7 and 8, disclose an electrostatic gas separation apparatus and method substantially as claimed with the possible exception of oil particle separation. Krausse (note English language abstract) teaches the use of oil particle separation in an electrostatic gas separation apparatus and method for the

purpose of ensuring clean gas in an internal combustion engine operation and for this same reason it would have been obvious to one having ordinary skill in the art to employ such an expedient in either one of the prior art electrostatic gas separation device and methods.

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references have been cited as art of interest to show other electrostatic separation systems.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (571) 272-1154.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane S. Smith, can be reached at (571) 272-1166.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (571) 272-1700.

Facsimile correspondence must be transmitted through (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard L. Chiesa  
November 6, 2007

*Richard L. Chiesa*

**RICHARD L. CHIESA  
PRIMARY EXAMINER  
ART UNIT 1797**

*Nov. 6, 2007*